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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 251 OF 2007

Shyam R. Kulkarni & Ors. . . . Applicant

Vs.

The State of Maharashtra . . . Respondent

Mr. K. S. Patil, advocate for the applicant.

Mrs. M. H. Mhatre, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : FEBRUARY 15, 2007.

P.C.

. Heard Mr. K. S. Patil, the learned counsel for the applicant and Mrs. M.H. Mhatre, the learned APP for the State. At the outset, Mr. Patil, makes a statement that the applicant no.1 is already arrested by police and therefore, the application for anticipatory bail to the extent of applicant no.1 has become infructuous.

2. The applicant no.2, who is wife of applicant no.1, seeks anticipatory bail in Crime No. 156 of 2006, registered with Shikrapur Police Station, for the offences

punishable under S. 328, 342, 363 and 392 read with S. 34 of I.P.Code, on the basis of a report lodged by one Shantilal Tambe. In the complaint it is alleged that the present applicant no.2 and her husband and others had abducted him and forcibly tried to make him sit on the back-seat of the car. After that one of the culprits tied cotton rope around his neck, due to which he felt suffocated. On demand of water, some liquid was srved to him. After that he became unconscious. On the next day i.e. on 22-10-2006 at about 9 p.m. he regained consciousness and found that he was confined in a flat and his hands and feets were tied with rope to a chair. It was flat of present applicants. The applicant no.1 Shyam Kulkarni asked him to withdraw the case under S.138 of the Negotiable Instruments Act, otherwise they would kill him. They lateron snatched a gold chain and one gold ring from him. Present applicant no.2 assaulted and beat him with the Chappal. The applicant no.1 also took away amount of Rs. 25,000/- and a blank cheque from his bag . After that he was untied and he was asked to sleep there. On

the next day, he was released from the house and then he lodged FIR at the police station on 24-10-2006.

3. If the contents of FIR are taken into consideration, serious offences appears to have been committed. However, it appears that long before that on 26-7-2006 applicant no.2 Aparna Kulkarni had lodged a complaint against the said Shantilal Tambe for the offences punishable under S. 379, 504, 509 of I.P.Code, alleging that said Shantilal had stolen away blank cheques, bearing signatures of her husband from the Medical Stores and on the basis of those blank cheques, he was trying to extort money from them. That case was already pending.

4. In view of the above circumstances, I find that applicant no.2, who is a woman, needs to be protected. Therefore, anticipatory bail may be granted to her.

5. Applicant no.3 Amit is nephew of applicant no.1. He is a boy, aged about 20

years and is a student. Taking into consideration the circumstances noted above, I find that he may also be given protection.

6. In case of arrest of applicant No.2 Aparna Shyam Kulkarni and applicant no. 3 Amit Suresh Pande in Crime No. 156 of 2006 registered with Shikrapur Police Station, they shall be released on their executing P.R. bond of Rs.15,000/- each with one surety in the like amount, with condition that they shall not tamper with prosecution evidence and shall fully cooperate with the police in investigation of the case. They shall make themselves available to police for the purpose of interrogation as and when required during the day time.

[J. H. BHATIA, J.]